Petition

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81-1277
CASE NO._____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1981

THOMAS P. McGUINN,
Petitioner

vs.

ROGER W. CRIST, WARDEN
OF MONTANA STATE PENITENTIARY,
Respondent

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. VIOLATION OF APPELLEES CONSTITUTIONAL RIGHTS AS THEY RELATE TO THE FIFTH AND SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

2. THAT THE DOCTRINE OF HARMLESS ERROR DOES NOT APPLY WHEN AN ACCUSED HAS BEEN DEPRIVED OF A SUBSTANTIAL RIGHT.

3. IS THE PLACING UPON A CRIMINAL DEFENDANT THE BURDEN OF PROVING ANY AFFIRMATIVE DEFENSE BECAUSE OF AN UNCONSTITUTIONAL JURY INSTRUCTION A DEPRIVATION OF HIS CONSTITUTIONAL RIGHTS TO A FAIR TRIAL?

4. THAT THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT HAS FAILED TO FOLLOW THE MANDATE OF THE UNITED STATES SUPREME COURT AS REGARDS ITS DECISION IN SANDSTROM VS. THE STATE OF MONTANA, 442 US 510-1979.

PARTIES

The petitioner in this action is Thomas P. McGuinn. The respondent is Roger W. Crist, Warden of the Montana State Penitentiary.

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DECISIONS BELOW

The Decision of the United States Court of Appeals for the Ninth Circuit, rendered on the 1st day of October, 1981, which is unreported, reversing the decision of the United States District Court for the District of Montana rendered by W. D. Murray, Senior United States District Judge given on the 3rd day of July, 1980.

JURISDICTION

The decision of the United States Court of Appeals for the Ninth Circuit was entered on the 1st day of October, 1981. A timely Petition for Rehearing was denied on the 26th day of October, 1981. The jurisdiction of the Court in invoked under Rule 19 of the Supreme Court of the United States Rules, and in that the Court of Appeals has rendered a decision in conflict with a prior decision of the Supreme Court of

the United States.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. A violation of the Petitioner's constitutional right under the Fifth and Sixth Amendment to the United States Constitution.

STATEMENT OF THE CASE

That your Petitioner, Thomas P. McGuinn, was charged in the State Court of the Second Judicial District of the State of Montana with the crime of Deliberate Homicide. A jury trial ensued upon subject charges, and it was concluded by a verdict of guilty on the 23rd

day of Februarv , 1977. That the trial court instructed the jury in part as follows:

> The law presumes that a person intends the ordinary consequences of his voluntary acts.

Other similar instructions were also given. Your Petitioner appealed subject decision and the Supreme Court of Montana sustained the verdict. He then, ultamately, petitioned the United States District Court For the District of Montana on a Writ of Habeaus Corpus and on the 3rd day of July, 1980, the Honorable W. D. Murray, Senior United States District Judge, ruled that the giving of such an instruction was a violation of the Petitioner's Constitutional Rights, was not harmless error, and thereby ordered that the Petition for Writ of Habeaus Corpus be granted and that the State of Montana grant the Petitioner a new trial within 60 days. It was from this decision that the State of Montana appealed to the United States Court of Appeals for the Ninth Circuit who ultamately reversed

Judge Murray's order. That your Petitioner bases this Petition for a Writ of Certioari upon the fact that the United States Supreme Court in the case of Sandstrom vs. Montana, cited as 442 U.S. 510, 1979, ruled that the giving of such an instruction was constitutionally impermissable. The State of Montana contends that the giving of such an instruction in the McGuinn case was harmless error and that your petitioner respectfully presents to this Court the giving of this instruction in the McGuinn case could not be harmless error beyond a reasonable doubt in that there were other issues that could have been decided, and other degrees of the crime of homicide could have been found by the jury other than an acquital. And, under the circumstances, the giving of such an instruction mandated the jury to find, that if, in their opinion, your petitioner, McGuinn, committed such an act that there was no type of mitigation, and that he was presumed to

intend the ordinary consequences of that voluntary act. Your petitioner contends that the jury should be instructed on all phases of homicide in that there could be such mitigating circumstances in the commission of any crime such as drunkedness, as there was in the McGuinn case, that could relieve the defendant and petitioner, McGuinn, from any such presumptions. Your petitioner further contends that there is no presumption as harmless error when the United States Constitution is violated.

ARGUMENT IN SUPPORT OF GRANTING CERTIORARY

Your petitioner contends that the Circuit Court overlooked certain very fundamental and important areas of the Petitioner's case in rendering its decision of October 1, 1981. More particularly, the Petitioner contends that the decision of the court did not address the matter of the State of Montana in rendering its Sandstrom Instruction in placing upon McGuinn, Petitioner, the burden of proving or disproving a material element of the crime of deliberate homicide. The Constitution of the United States and The State of Montana specifically compels the State to prove every element of a crime to a moral certainty and beyond a reasonable doubt. That the Sandstrom instruction given in this case withdrew from McGuinn, Petitioner, his cloak of innocence that must be with

him during the entire trial and in essence, compelled the Petitioner, after the trial, to a burden of proving his innocence or disproving the State's allegations.

The Sandstrom Instruction given, which in essence says that the law presumes that a person intends the ordinary consequences of his voluntary acts, places a dual burden upon the Petitioner. (1) That every act, if, in fact, a jury believes that the Petitioner committed one, was voluntary, and (2) that there has to be a specific mental intent for every act that is committed. The Petitioner contends that if additional thought or argument is given to this point, that this court, will, in fact, reverse the Circuit Court's order dated October 1, 1981.

In this regard, there are three (3) distinct degrees of homicide in

Montana: Deliberate Homicide; Mitigated Homicide; and Negligent Homicide. The jury found the Petitioner guilty of Deliberate Homicide or an intentional, voluntary, unmitigated act of murder. The jury had the choice, if, in fact, they were to contend that the Petitioner was guilty, of finding him guilty of a lesser degree of the crime, more particularly, Mitigated Homicide. The reason for this proposition is that drunkedness, although not an excuse, is a mitigating circumstance which may well have lead the jury, without the Sandstrom instruction, to consider this type of mitigation. However, in the light of the Sandstrom instruction, they had no alternative but to infer, if the Petitioner did not sustain its new found burden because of this instruction of proving his innocence of mitigating circumstances, to find him guilty of deliberate homicide.

The age-old tradition of the law is that a Defendant does not have to prove or disprove anything in a trial. With the settlement of a jury instruction in state criminal cases coming after presentation of the entire case if a Defendant were aware that such an instruction were to be given placing a greater burden of proof upon him, he would then, at least, be able to prepare some type of an affirmative defense, and, in this case, the Petitioner, McGuinn, has been twice jeapordized, not only because of the instruction, but additionally, with the increased burden of proof and the strict mandate that the instruction gives the jury.

The Petitioner, therefore, asserts that the Circuit court had, in fact, overlooked this area of the law in making its decision and, if, in fact, its

decision is allowed to stand, will materially change the criminal justice system casting upon all Defendants the additional burden of bringing further evidence of their own, which, if not in all cases, will be in most cases, virtually impossible with the resources that the defense would have to disprove every allegation made by the state. The criminal justice system will then be thrust into such an imbalance that a mere charge of a crime will be tanamount to a conviction.

A short legal synopsis and cases in support thereof as well as some Montana Statutory law in support thereof follows: Montana Statute relating to Mitigated homicide, Section 45-5-103 follows:

> (1) Criminal homicide constitutes mitigated deliberate homicide when a homicide which would other-

wise be deliberate homicide is committed under the influence of extreme mental or emotional stress for which there is reasonable explanation or excuse. The reasonableness of such explanation or excuse shall be determined from the viewpoint of a reasonable person in the actor's situation.

(2) A person convicted of mitigated deliberate homicide shall be imprisoned in the state prison for a term of not less than 2 years or more than 40 years, except as provided in 46-18-222.

Montana Codes Section 45-2-203 follows:

Responsibility - intoxicated or drugged condition. A person who is in an intoxicated or drugged condition is criminally responsible for conduct unless such condition is involuntarily produced and deprives

> him of his capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of law. An intoxicated or drugged condition may be taken into consideration in determining the existence of a mental state which is an element of the offense.

As can be seen, the jury should have had a choice in determining intent but with the jury instructions given, that choice was taken away from them.

The following cases are pertinent to the issue with a brief synopsis of each case as follows in State vs. Patterson, 254 S. E. 2d 604 (N.C. 1979):

> Defendant was convicted of second degree murder. The trial judge submitted alternative verdicts to the jury, properly defining the second degree murder offense as re-

quiring that Defendant intentionally shot the victim without justification and with malice. In explaining the inferences that may arise from proof that Defendant intentionally inflicted a wound, the judge instructed that if there is no evidence which raised in your mind a reasonable doubt that . . . Defendant . . . acted without malice . . . you may infer that Defendant acted unlawfully and with malice . . . Defendant has no burden to raise a reasonable doubt since he may always rest ultimately on the weakness of the state's case and the state's failure to carry its burden of proof as to the existence of malice . . . Because the trial judge's instructions could have been interpreted as placing such

> a burden on Defendant, the Court reverses his conviction and remands the case.

The following is taken from Morisette vs. United States, 342 U.S. 246, 72 S Ct 240:

> Where intent of the accused is an ingredient of the crime charged, the trial court may not withdraw or prejudge the issue by instruction that the law raises a presumption of intent from an act.

The following is taken from Henderson vs. Morgan, 426 U.S. 637, 96 S Ct 2253:

> Intent is such a critical element of the offense of second-degree murder that notice of that element is required as a matter of due process.

CONCLUSION

For the foregoing reasons, this Petition for a Writ of Certiorari should be granted.

RESPECTFULLY SUBMITTED THIS 4 DAY OF Dec., 1981.

LEONARD J. HAXBY
ATTORNEY FOR PETITIONER
P. O. BOX 3008
BUTTE, MONTANA 59701

CERTIFICATE OF SERVICE

I, LEONARD J. HAXBY do hereby certify that on the 7 day of Dec., 1981, I deposited a true copy of the foregoing Petition for a Writ of Certiorari to the United States Court of Appeals-Ninth Circuit, in the United States Mails at Butte, Montana, enclosed in an envelope with postage prepaid thereon, addressed to:

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COURTHOUSE
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Leonard J. Haxby

LEONARD J. HAXBY

APPENDIX

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B. United States Court of Appeals
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For the District of Montana
Butte Division - Order -
July 3, 1980. C

APPENDIX A

JUDGMENT

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

THOMAS P. McGUINN, Plaintiff-Appellee,	Filed Nov. 20, 1981.
vs.	NO. 80-3342
ROGER W. CRIST, Warden of Montana State Penitentiary, Defendant-Appellant.	DC CV 80-0005 WDM

APPEAL from the United States District Court for the District of Montana (Butte)

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the District of Montana (Butte) and was duly submitted.

ON CONSIDERATION WHEREOF, It

is now here ordered and adjudged by this Court, that the judgment of said District Court in this Cause be, and hereby is reversed.

Filed and entered October 1, 1981.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 26 1981

CLERK, U.S. COURT OF APPEALS

THOMAS P. McGUINN, Plaintiff-Appellee, v. ROGER W. CRIST, Warden of Montana State Penitentiary, Defendant-Appellant.	)	80-3341 ORDER

Before: SNEED and BOOCHEVER, Circuit Judges, and CRAIG*, District Judge

The petition for rehearing is denied.

The opinion is amended by having its penultimate sentence read as follows:

"For reasons stated herein, this court finds the error complained of to be harmless error beyond a reasonable doubt."

*Honorable Walter E. Craig, Senior United States District Judge for the District of Arizona, sitting by designation.

APPENDIX "B"

EXHIBIT "C"

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

THOMAS P. McGUINN,
Plaintiff,

vs.

ROGER W. CRIST, Warden of
Montana State Penitentiary,
Defendant.

: ORDER

: NO. CV-80-5-BU

Thomas McGuinn, petitioner herein, brings this petition for writ of habeaus corpus pursuant to 28 U.S.C. §§ 2254. The issue raised by the petitioner is the effect of the trial court's instruction to the jury that "(t) he law presumes that a person intends the ordinary consequences of his voluntary acts, "hereinafter referred to as the Sandstrom instruction. In Sandstrom v. Montana , 442 U.S. 510 (1979), the United States Supreme Court held that this instruction relieved the State of its burden of proof, which is constitutionally

impermissible. For the reasons set forth below, the petition for writ of habeaus corpus must be granted.

Petitioner was convicted of deliberate homicide in February, 1977. He appealed to the Supreme Court of Montana and the judgment was affirmed. He then petitioned the Montana Supreme Court for a writ of habeas corpus, which was denied.

Following that, he brought a petition for writ of habeaus corpus in this court. This court considered the issued raised by his petition and, after a hearing, denied relief on all issues save the Sandstrom issue. As to that issue, the petitioner had failed to exhaust state remedies, and the petition was dismissed without prejudice.

Petitioner subsequently went back to the Montana Supreme Court on a petition for writ of habeas corpus, which was denied November 30, 1979.

The Supreme Court, in a short Order, stated "Petitioner waived any objection to the Sandstrom instruction for failure to object to the trial court and we refuse to invoke the plain error rule."

Respondent contends that petitioner's failure to object at trial to the giving of the Sandstrom instruction bars this court's review, citing Wainwright v. SYkes, 433 U.S. 72 (1977). In Montana, however, the failure to object does not necessarily bar review by the Montana Supreme Court. Under MCA 46-20-702, 1979, "(D) effects affecting . . . constitutional rights may be noticed although they were not brought to the attention of the trial court." Thus, the state's interest in its contemporaneous objection policy is not compelling and will not bar this court on habeas corpus. See, Quigg vs. Crist, 616 P. 2d 1107, n. 4 (9th Cir. 1980). It is therefore necessary to examine petitioner's

claim.

In Sandstrom vs. Montana , 442 U.S. 510 (1979(, the United States Supreme Court held that the instruction, "(T)he law presumes that a person intends the ordinary consequences of his voluntary acts," relieved the state of its burden to prove "beyond a reasonable doubt .... every fact necessary to constitute the crime with which (the defendant) is charged." 442 U.S. at 523, citing In re Winship, 397 U.S. 358, (1969). This is so because

> . . . whether a defendant has been accorded his constitutional rights depends upon the way in which a reasonable juror could have interpreted the instruction. 442 U.S. at 514 (emphasis added.)

The Court found two ways in which a reasonable juror could have interpreted the instruction, both resulting in a violation of the defendant's constitutional rights.

> First, a reasonable jury could well have interpreted the

> presumption as "conclusive" that is, not technically as a presumption at all, but rather as an irrebuttable direction by the court to find intent once convinced of the facts triggering the presumption. Alternatively, the jury may have interpreted the instruction as a direction to find intent upon proof of the defendant's voluntary actions (and their "ordinary" consequences), unless the defendant proved the contrary by some quantum of proof which may well have been considerably greater than "some" evidence - - thus effectively shifting the burden of persuasion on the element of intent. Id., at 517.

The Court held that "either interpretation would have deprived defendant of his right to due process of law . . ." Id. , at 524, and the instruction was therefore unconstitutional. Similarly, in this case the giving of the Sandstrom instruction deprived petitioner of his right to due process of law. Respondent, however, presents two futher contentions which must be addressed.

1. Whether the instruction, viewed as a whole, "cure" the error created by the giving of the Sandstrom instruction.

Respondent contends that the instructions, viewed as a whole, ameliorate the presumptive effect of the Sandstrom instruction. The Supreme Court did, indeed, appear to leave open two ways in which, even though the defective instruction was given, the conviction might not be overturned. First, the Court noted that the jury was "not told that the presumption (created by the instruction) could be rebutted." Sandstrom v. Montana, 442 U.S. at 517. Nor were any "qualifying instructions as to the legal effect of the presumption" given. Id. The above language suggests that instructions explaining the legal effect of a presumption might "cure" the error. In this case, however, no such instructions were given.

The second portion of the opinion suggesting the posibility of "cure" appears at 442 U.S. 510, 518-19, n.7:

The potential for these

> interpretations of the presumption was not removed by the other instructions given at the trial. It is true that the jury was instructed generally that the accused was presumed innocent until proven guilty, and that the State had the burden of proving beyond a reasonable doubt that the defendant caused the death of the deceased purposely or knowingly. But this is not rhetorically inconsistent with a conclusive or burden-shifting presumption.
> (emphasis added.)

The emphasized language suggests that if the other instructions given are rhetorically inconsistent with the Sandstrom presumption, they may serve to "cure" the defect. If that is so, a reviewing court must examine all other instructions given in regard to the State's burden to determine their consistency or inconsistency with the defective instruction.

The difficulty in devining the meaning of the term "rhetorically inconsistent" is a major stumbling block to its meaningful application. Furthermore, even if the other instruc-

tions are found to be "rhetorically inconsistent", it is impossible to determine whether the jury recognized the inconsistency and rejected the Sandstrom instruction. Since a determination of "whether a defendant has been accorded his constitutional rights depends upon the way in which a reasonable juror could have interpreted the instruction," Sandstrom, supra, at 514, if a reasonable juror could have accorded the Sandstrom instruction presumptive effect irrespective of the other instructions, then it must be assumed that some portion of the State's burden of proof was shifted to the defendant, in violation of his right to a due process of law.

Turning then to a review of the instructions, I cannot say with any certainty that any of them were so "rhetorically inconsistent" with the Sandstrom instruction that they overcame

its presumptive effect. Although a violation of due process may not be found by plucking an isolated statement out of context, Cupp v. Naughten, 414 U.S. 141 (1973), this court cannot speculate as to the effect of the instruction on the jury. There is no assurance that the jury did not find petitioner guilty on the grounds that he acted voluntarily, rather than finding the intent necessary to find petitioner guilty of deliberate homicide.

In addition, Instruction #7, given immediatly after the Sandstrom instruction, may have further led the jury to presume intent from a voluntary act, in violation of petitioner's constitutional rights. Both instructions are set forth below:

#6: The law presumes that a person intends the ordinary consequences of his voluntary acts.

#7. A material element of every crime is a voluntary act.

These two instructions taken together were a clear invitation to the jury to presume intent, a material element of the crime charged, from evidence of a voluntary act. If so, the instructions shifted to the defendant the burden of disproving the voluntariness of his acts, in violation of defendant's constitutional rights. Mullaney v. Wilbur, 421 U.S. 684 (1975); In re Winship , 397 U.S. 358 (1970). As stated above, there is no assurance that the jury did not regard the presumption as conclusive, directing it to return a verdict of guilt "once convinced of the facts triggering the presumption." Sandstrom 442 U.S. at 517. In fact, it is likely that the jury did so. That being the case, petitioner was denied his constitutional right to due process of law. See, Sandstrom v. Montana, 442 U.S. 510 (1979); Holloway v. McElroy, 474 F. Supp. 1363 (M.D. Ga. 1979); Dlugash v. New York, 476 F. Supp. 921 (E.D. N.Y. 1979).

The respondent raises one further question which must be addressed by this court.

2. Whether the giving of the Sandstrom instruction may be regarded as harmless error.

Respondent contends that the giving of the Sandstrom instruction was, at most, harmless error, citing Chapman v. California, 386 U.S. 18 (1967). This argument was raised in the Supreme Court but not considered. Sandstrom v. Montana, 442 U.S., at 526 -27.

Respondent's argument finds its basis in Chapman v. California , supra , where the Court stated:

> there may be some constitutional errors which in the setting of a particular case are so unimportant and insignificant that they may, consistent with the Federal Constitution, be deemed harmless, not requiring automatic reversal of the conviction.
> 386, U.S. at 22.

While it is clear that a "harmless constitutional error" doctrine exists, it is also clear that there are two

significant impediments to its application. First, "there are some constitutional rights so basic to a fair trial that there infraction can never be treated as harmless error..." Chapman v. California, 386 U.S. 18, 23 (1967), citing as examples Payne v. Arkansas , 356 U.S. 560 (coerced confession); Gideon v. Wainwright , 372 U.S. 335 (right to counsel); Tumey v. Ohio, 273 U.S. 510 (impartial judge). Thus, before applying the harmless error rule a court must make a determination that the constitutional right affected is not "so basic to a fair trial" that its abrogation can be brushed aside as harmless error.

The second impediment to the application of the harmless error rule is that "before a federal constitutional error can be held harmless, the court must be able to declare a belief that it was harmless beyond a reasonable

doubt." Chapman, supra, at 24. This is a high standard and one that, when considering the effect of a conclusive presumption on the minds of the jury, is obviously difficult to satisfy.

On this petitioner's prior petition for writ of habeas corpus to the Montana Supreme Court, that court refused to invoke what it calls the "plain error" rule, citing Judge Hatfield's decision in Collins v. Crist, 473 F. Supp. 1354 (D. Mont. 1979). In that case, Collins had failed to object to the giving of the Sandstrom instruction at trial. The federal district court invoked the "plain error" rule to consider whether it was "highly probable" that the error of the Sandstrom instruction "materially affected the verdict." Collins v. Crist, supra, at 1357, citing United States v. Dixon, 562, F. 2d 1138 (9th Cir. 1977).

This court is of the opinion that the "plain error" rule does not apply, for it sets the wrong standard by which to measure the effect of constitutional error. Rather, if any such error doctrine is applicable it is the "harmless error" rule of Chapman v. California, 386 U.S. 18 (1967).

Applying the Chapman standards to this case, petitioner's due process rights were violated. The Due Process Clause "protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged." In re Winship, 397 U.S. 358 (1970). This is a right "so basic to a fair trial that its infraction can never be treated as harmless error" Chapman v. California, 386 U.S. 18, 23 (1967). Thus, the court must reject respondent's contention that the giving of the Sandstrom instruction in this

case was mere harmless error.

Even if the court were able to consider the error in this case as harmless, it was not "harmless beyond a reasonable doubt." Id., at 24. From a careful review of the instructions given in this case, it is apparent that the jury could have found intent from the barest amount of evidence that the defendant acted voluntarily.

The conviction having been obtained in violation of petitioner's right to due process,

IT IS HEREBY ORDERED and this does order that the petition for writ of habeas corpus be and the same is hereby granted, and the petitioner shall be released unless the State grants him a new trial within sixty days.

Done and dated this 3rd day of July, 1980.

_____

W. D. Murray
Senior United States District Judge

Opposition

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vs.

ROGER W. CRIST,

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On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

RESPONDENT'S BRIEF IN OPPOSITION

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QUESTION PRESENTED

Whether instructing the jury that "the law presumes that a person intends the ordinary consequences of his voluntary acts," constituted harmless constitutional error given the particular facts of this deliberate homicide case where intent was not a disputed issue.

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No. 81-1277

In The

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On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

RESPONDENT'S BRIEF IN OPPOSITION

The respondent, Roger W. Crist, respectfully requests that this Court deny the petition for writ of certiorari, seeking review of the opinion of the Ninth Circuit Court of Appeals in this case. The opinion is reported at 657 F. 2d 1107.

REASONS WHY THE WRIT SHOULD BE DENIED

The decision below gave full consideration to the issue and decided it correctly based on the particular facts of this case.

This case involves a situation unlike that presented in *Sandstrom v. Montana*, 442 U. S. 510 (1979), in that the question of the perpetrator's intent was never an issue at trial. Throughout the trial petitioner maintained that he did not commit the acts that caused LaRae Alley's death. Rather he contended he was somewhere else at the time of the crime. In that light, any error in giving the *Sandstrom* instruction was harmless beyond a reasonable doubt and the court below so found after careful consideration of the facts as they appear in the record. That decision is based on the application of sound principles of law applied to the unique factual circumstances of this case.

CONCLUSION

For these reasons, the petition for writ of certiorari should be denied.

DATED this 5th day of February 1982.

Respectfully submitted,

MIKE GREELY
Attorney General
Room 225, State Capitol
Helena, Montana 59620

By: JOHN H. MAYNARD
Assistant Attorney General